UNDERSTANDING USER EXPERIENCE

Improving Ontario’s Family Justice System through Technology
Based at Osgoode Hall Law School at York University, the Winkler Institute for Dispute Resolution is a vibrant centre for research on innovation in dispute resolution, access to justice and the future of the legal profession. Our projects range from exploring the potential for human-centered design and legal technology to transform justice services, to innovation in ADR and dispute prevention, to new ways of thinking about the profession, legal education and empowerment. Since opening its doors in 2014, the Winkler Institute has become a leading voice in Canadian justice innovation and reform.

**OUR MANDATE IS:**

- To pursue innovation in the justice system and alternative dispute resolution (ADR).
- To advance accessible justice in Ontario, Canada and internationally.
- To promote legal ethics and professionalism, which are necessary to achieve these objectives.
- To provide a dispute resolution knowledge hub that collects and showcases the most innovative research in dispute resolution from within Canada and around the world.
We would like to acknowledge the following Osgoode Hall Law School Research Assistants who have provided invaluable assistance with the public engagements, as well as with the assembling of data.

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Family Law has a substantial impact on people’s lives. To improve the family justice process, the Winkler Institute for Dispute Resolution (Winkler Institute), located at Osgoode Hall Law School at York University collaborated with the Ministry of the Attorney General (MAG) to conduct public engagements with family justice users and stakeholders across the province. Although designed, organized and executed at arm’s length from MAG, these engagements form part of an overall strategy by MAG, coordinated by partners across the justice sector, to explore opportunities for the development of technology tools that can help support families as they attempt to navigate the family law system.

Throughout July and August 2017, a team of researchers from the Winkler Institute spoke to Ontario family justice system users, court staff, frontline service providers, legal professionals, and judges. Family justice users were asked to share stories that illustrated the challenges they face as they try to navigate the family justice system. They were also asked to relay experiences that highlighted where there might be opportunities to improve the experience of families who are trying to find their way through a complex network of service options, rules, and regulations.

Throughout these province-wide conversations, members of the public expressed feeling intimidated, confused and burdened by the current family justice process. A few examples of the “pain points” revealed through these engagements include: difficulty with completing and filing court forms; frustrations around finding simple pieces of information such as the opening and closing times of Family Law Information Centres (FLICs); difficulty determining which courthouse to go to; inconvenience of making multiple visits to the courthouse before finally locating the appropriate form of assistance; and, anxiety around not having a “map” to guide them through the process.

1 For the purposes of this report, “court staff” is an umbrella term used to refer to personnel stationed within courthouses (including Court Services Workers, counter staff, FLIC staff, Information Referral Coordinators, etc.). “Frontline service providers” are individuals who work within the family justice sector and assist users in navigating the system, but are not court staff or legal professionals (e.g. parenting coach). The term “legal professional” is used broadly to refer to lawyers, mediators, paralegals and other alternative dispute resolution professionals who provide legal advice and/or support.
About the Engagements

The design of the public engagements was based on human-centered design (HCD) principles. HCD is an approach to problem solving that puts the user at the centre of the process. HCD identifies needs by observing the challenges and opportunities people encounter as they attempt to access or navigate a service in real time (in this case, the family justice system); it is grounded in empathy – i.e. it attempts to understand people’s thoughts and behaviour, to understand why or how people end up taking specific actions (without judging whether that behaviour is ‘right’ or ‘wrong’); and, it focuses on transforming information gained from users into insights on how to tackle the respective issues. The aim is, thus, to arrive at innovative solutions to complex problems that directly address user needs and are more reflective of user experiences.

Accordingly – in keeping with HCD principles – family justice users’ experiences form the backbone of this report. Throughout the engagements, our focus was on collecting first-person narratives from the public that illustrate their journey as they try to navigate the province’s family justice system. Similarly, the court staff we spoke to were asked to tell us about their experiences in helping the families they serve navigate the system. Court staff have one of the most direct relationships with the user; they are often the first institutional support with which the user comes in face-to-face contact.

Phase I:

To gather these narratives, interview and observation teams were placed directly in courthouses in Toronto (Jarvis and Sheppard), Chatham, Brampton, Newmarket, Thunder Bay and Barrie. These teams had two tasks: (1) to practice empathy by observing and being part of the courthouse experience; and (2) to carry out unstructured conversations with members of the public who were at the courthouse to deal with a family law issue.

In total, we spoke with 36 members of the public from different regions in Ontario. All information was voluntarily given and the type of information provided varied among individuals. Our goal was to listen and to document steps the user had taken up to the point at which we met with them, and to capture their experiences – without judgement – as they decided which steps to take and why. We determined that we had conducted sufficient interviews when we had reached what social scientists refer to as the “saturation point” – that is, that the same themes, challenges, frustrations, and areas for improvement were being raised with few to no new insights emerging. We are very grateful to all the members of the public who spoke with us. We have done our best to represent accurately the experiences shared with us, recognizing that not all the valuable feedback we heard could be directly reflected in this report.

2 This report details the experiences of the user as they move through different service touch points in the family justice system. As such, the report does not, nor is it intended to, provide an overview or description of planned or current pilot projects and MAG initiatives. While these initiatives may address some of the areas of user need identified in this report, they are only included here insofar as they emerged in conversations with users, in which case references to these services have been included as they were expressed as part of the user journey.

3 These sites were chosen in collaboration with MAG. The intent was to choose geographically diverse locations across the province to capture as many viewpoints as possible.
INTRODUCTION

We made a specific effort to engage with and gather feedback from users with unique experiences navigating the family justice system. We conducted targeted outreach to Indigenous communities - arranging discussions with groups of legal professionals and frontline service providers working in these communities; persons with disabilities – speaking to accessibility coordinators across the province; and users, legal professionals and frontline service providers with experience related to domestic violence and abuse. Moreover, during our public engagements, we attempted to speak with a diverse set of individuals, remaining mindful of capturing as many distinct voices as we could. Wherever possible in the report we have provided the words of users themselves to illustrate the pain points.

Phase II:

The second part of our engagements consisted of speaking with court staff, frontline service providers, legal professionals and judges. Whenever possible, we spoke in person with court staff and available legal professionals at the courthouses mentioned above. We also conducted two sets of regional teleconference calls, one for court staff and one for legal professionals. The teleconferences were arranged by region (Toronto, Barrie and Central Ontario, Northern Ontario, Eastern Ontario and Southern Ontario). Individuals who identified as either court staff or legal professionals were invited to join the call associated with their primary service region. The judiciary was engaged through teleconference and email correspondence. Several individual phone calls were held with professionals who contacted us wanting to provide their individual feedback. Over the course of the engagements we spoke with 40 court staff, 6 frontline service providers, 35 legal professionals, and 12 members of the judiciary.

In this second group of engagements, we conducted similarly unstructured interviews, but they were grounded in four primary questions that acted to focus the discussion on the user. They were:

1. What challenges do you think users experience as they try to navigate the current system?
2. What challenges do you face in servicing users?
3. How do users typically reach you to help them in their family law situation? Could anything make this easier?
4. What is working well with the current system?

Online Engagement

As a measure to ensure broad accessibility, the Winkler Institute also hosted two town halls on Facebook Live for both the public and family law professionals, and we accepted and included feedback received by written submission.

In most instances, what we heard in Phase II, from legal professionals and judges, echoed what was communicated by the users and court staff. However, these conversations added an additional dimension to the picture, highlighting when and how user pain points intersected with, and manifested themselves as, challenges in assisting users. When unique feedback was offered in these discussions, we have included the insights in the report.
Reading this Report

This report begins with a customer journey map. A customer journey map is a visualization of a user’s journey as they move through a service and encounter specific ‘service touch points’. In the case of this report, the customer journey map visualizes a common journey that a family justice user takes as they try to figure out how to deal with their family issue. It highlights the moments along that journey where the user encounters challenges.

Our journey map is not meant to be an authoritative document that captures the detailed nuances of every user’s journey through the system. We recognize that all users are unique and they make different decisions about ‘what to do’ based on what makes sense for them and their families. However, our journey map is a storytelling tool. It focuses attention on what many users experience as they navigate the family law process in Ontario. It highlights – at a glance – major user pain points and the areas of possibility that emerge from these points. It identifies opportunities to implement solutions that meet the real needs of users. In short, the journey map allows us to build empathy for family justice users and better understand them and their needs.

The customer journey map is followed by several sections titled to match one of the key service touch points in a family justice user’s journey. Each section of the report expands on our map, drawing out the narratives from real-life users and using these narratives to identify common themes, insights, and areas of opportunity. The journey map starts with the family justice user trying to gather information and ends with them filing a family law form. While there are many stages of the family justice user’s journey (for example, a user’s experience on the day of a trial), all family justice users find themselves in the position of having to locate information, travel to a courthouse, navigate and complete family law forms - both at the start of the process, as well as throughout the process. Our report captures this nearly ubiquitous piece of the service journey.

A helpful way to think about the connection between the journey map and the broader report is that the map communicates, in a visual way, the most frequent and familiar refrain encountered throughout our engagements, while the report sections chronologically mirrors this user’s journey, adding nuances and other voices along the way. Finally, each section of the report ends with the identification of key learnings and areas of opportunity, which flow from the analysis of users’ experience.
Jessie experiences a Family Law issue.

Jessie tries to get some information and figure out the family law process by going online and talking to friends and family.

Jessie is advised by a friend to call Legal Aid to get legal advice and representation.

Jessie calls Legal Aid and finds out that they do not qualify. Jessie is confused, since they consider themselves broke and can’t afford a lawyer. Figures that they have to head to courthouse.

After booking babysitter, Jessie shows up early at the courthouse to beat the line. It’s packed!

After waiting in line to speak to someone, Jessie is told they are in the wrong courthouse and leaves.

Jessie goes about their life until they can book off work for a second visit at the courthouse.

Jessie arrives at the right courthouse and gets good information. They are put on a list to see an advice lawyer and finally gets to see someone!

Waits.

Waits.

Waits.
CUSTOMER JOURNEY MAP

**Advice Maze**

Jessie speaks to an advice lawyer at the FLIC and gets some help...

but leaves feeling unsure about the best option.

Jessie decides to fill out forms themselves.

**Forms**

Jessie tries to complete forms.

Jessie is confused! Can’t get any information as to how to properly fill out forms. Tries their best anyway.

Jessie finishes completing forms and is happy that their task is done. Goes to the courthouse to file.

Waits in line to file.

Waits.

Waits.

Jessie gets to the counter, excited to file, but is told that the forms they have filled out are the incorrect ones.

Jessie waits in line again to speak to advice lawyer to find out how to fill out the new, correct forms.

Jessie files forms but feels exhausted and disheartened from the process so far.
“It's not clear what steps to take before I take them.”

— Family Justice User

“A large majority of my Indigenous clients don’t know how to access any family law information or what is required in order to start a family law case.”

— Frontline Service Provider

“I’ve checked online about different things, but this is the first time since years ago that I’m actually coming up now to legally get the advice.”

— Family Justice User

“Everyone was telling me to like to do this, to do that, do this and I keep. I keep getting sent to all these different places and I still don’t have a lawyer yet.”

— Family Justice User

“There’s a client here today, who showed up to the court, and she was looking to get spousal support. She had been at the Superior Court, and then they sent her here. But she could have just gotten advice at the Superior Court, and instead she was just sent here again, and given the run around.”

— Court Staff
Family justice system users find the legal process and the court system hard to navigate. This is true from the very beginning. For example, many users rely on speaking to family and friends with prior experience in the family justice system for information. The information obtained at this level is very basic. Where should I go? What should I do? Who should I talk to? While this is a natural first step for users, the feedback provided often leads to the user obtaining conflicting suggestions or misinformation as different people give different advice, leading to confusion.

Misinformation can also come through more 'official' channels. For example, users described situations where police officers told them to go to court and get a restraining or a temporary order. Likely what the police officer meant to signal is that the user should begin the process to obtain the order, but those with little to no familiarity with the system took this information literally, expecting to show up at the courthouse and get the order they needed.

Often, users attempt to clarify information by looking online. Unfortunately, although a significant amount of information about legal and court procedures and substantive law is available online, users find it hard to identify relevant, accurate, and trusted information. Depending on the jurisdiction in which the user resides and the subject matter of the issue, the law and legal procedures will vary. It is often unclear to users that not all courthouses handle all matters. In many cases, going online resulted in users getting both too much and not enough information at the same time, leaving them feeling overwhelmed and confused.

Many users reported that even getting basic information, such as the location of the courthouse, the hours of FLICs or information about parking etc., was difficult to find. At present, there is no centralized, official place to find this specific information that is user friendly. The Ministry’s website does contain paths to getting some of this information, but, in the case of FLICs for example, the website states which courthouses have FLICs but not the days and hours of operation, which vary from courthouse to courthouse. As a result, users often turn to third-party sites that speak to these details, and not all the information on these sites is reliable. Finally, users also have difficulty knowing where to turn when they need clarification of the information they do find.
For survivors of domestic violence, gathering information is even more difficult because they need to access information about a wider range of services (not simply legal support), and there is no portal or coherent way to accomplish this task. This lack of accessible information impacts how survivors address (or not) their legal issues, since a great deal of energy is focused on trying to secure a safe living situation. Legal issues, even at the information gathering stage, take a back seat. Additionally, while it might be more pressing for this particular group, all users would benefit from a more streamlined direction to these social and community services. This came out of the engagements about the experiences of persons with disabilities and with French-language service providers as well. For French-language users, finding services – legal or otherwise – in their preferred language is extremely difficult. In short, users – even in this very early stage of the process – find it frustrating, time-consuming, difficult, and overwhelming to obtain and effectively use basic information about “what to do next”.

Most users do not have enough experience with, or knowledge of, the legal system to place the information they find into the bigger legal picture – i.e. within a long legal process. This inexperience results in users showing up at the courthouse expecting their case to be solved in a day, or to be provided with assistance that will bring immediate relief to their situation. Instead, as discussed in the next section, users end up traveling through a maze of service providers to accomplish a single task, such as filing a form.

Users need visual and audio representation of how to start processes in the family justice system, including: what type of material is appropriate for motions, affidavits, etc.; what the difference is between various legal actions and steps; how to organize their materials and submissions; and the importance of documenting their interactions (both with other parties and with their legal supports).

For many users — in fact, for most users — handouts full of text are not an effective means of communicating information. For Indigenous users specifically, given the foundational nature of oral communication within Indigenous communities, visual and oral communication materials are even more vital; it is also essential that any communication materials be provided in Indigenous languages.

One service was frequently mentioned by users in a positive light. Steps to Justice, an initiative led by Community Legal Education Ontario in partnership with other groups, was positively referred to throughout the engagements – by both users and court staff. The website was viewed as a trusted and verified source of information that is communicated through user-friendly paths. In most cases however, users only learned of this resource after speaking to court staff and in many cases, it was helpful for information purposes, but only took users so far. For example, it does not provide tailored advice, or allow for users to complete any necessary administrative tasks, like filling out forms.
KEY LEARNINGS AND AREAS OF OPPORTUNITY

• Users must be able to easily locate two types of information: basic information about the services available to them along with when and how they can access these services (i.e. courthouse and FLIC hours, directions, parking information, etc.); and information about the court processes that are relevant to their issue (the steps they need to take, the forms they need to fill out, options on how to proceed, etc.).

• Users must be assured that they are accessing trusted and verified information and they need a way to filter information to identify which pieces are relevant to their situation.

• Users would benefit from the ability to access tailored instructions for each step of the court process and to track their progress along their journey.

• Users would find it easier to access information if resources were available in multiple formats and languages with an emphasis on visual documents (infographics, etc.), plain language, and audio-visual resources. Most of the information currently available is text based, and it often contains legal jargon. Even if users find the correct information, trying to understand it – even for those with no literacy challenges – can be difficult.

• At a broader level, the public should be educated about the resources available (and their online location) to support those dealing with family law issues. This area of opportunity could alleviate some of the misinformation gathered at the beginning of the process when users are primarily speaking with trusted family, friends, and community members.
“It’s my first time going through all of this, and I hope the last. Sometimes it can get extremely stressful and complicated to deal with the whole situation. It’s like you’re in a maze and you just don’t see the end.”

− Family Justice User

“So far, it’s been very hectic, just running around back and forth. I’m really confused as to what’s going on.”

− Family Justice User

“There’s a lot of confusion about the process. They don’t know where to start, even in this courtroom, in this courthouse; people come at 4:30 and say, why can’t I see a lawyer? Because the courthouse is open until 5:00 but our lawyers don’t see anybody after 4:15.”

− Court Staff

“[Users] are met with constant barriers in every which way. And then to just have them come here and waste hours upon hours to file, and then be turned away because something they did was wrong on the paperwork, and they’ve got to take another day off work.”

− Frontline Service Provider
“We were told we were in the wrong spot at one point. You kind of feel like you don't know what you’re doing.”

— Family Justice User

“A lot of people think that... If they come in today, tomorrow it’s going to be settled.”

— Court Staff

“All this stuff causes post-traumatic stress disorder, it causes...part of my affliction is I have major depressive disorder with distress anxiety. So, what happens with distress anxiety is I get into a situation like this, my distress level goes up, my brain power goes down. I don’t know how to react properly, I don’t know the right things to say. I try and pause to get back online, it’s incredibly difficult for me to do that, and that’s where I’m at today.”

— Family Justice User
For users, the courthouse acts as both the first stop and a one-stop shop. Whether chosen of their own volition or because they were directed there by others (e.g. friends, the internet, etc.), the courthouse tends to be the user’s first stop after gathering basic information.

Many users of the family justice system experience barriers just trying to get to the required courthouse. For example, in regions where there is more than one courthouse, a lack of access to accurate information meant users often went to several different courthouses, where they waited in line for services only to be told to go elsewhere. In other regions of Ontario, many users do not have access to adequate public transportation to get to the nearest courthouse. In some communities, it is difficult to physically access the courthouses. This was raised as a critical issue for persons with disabilities, but the lack of public transportation in certain portions of that geographic area serves to exacerbate the problem for all.

This lack of accessibility becomes particularly frustrating when the action users want to take is straightforward and simple, but cannot be done online, and, instead, people must take time off work and find transportation to the courthouse. In some non-urban areas, they must also consider the fact that services such as FLIC do not operate every day.

Once at the courthouse, the confusion continues. Very few users felt well-informed about the physical layout of the courthouses. They did not know where they should go to find the services they were looking for, and most expected to encounter better wayfinding once there. Many also felt intimidated by security and by the perceived formality within the building. In short, upon entering the courthouse they became a stranger in a strange land.

One of the biggest challenges identified by both users and court staff is managing expectations. Most users told us that, at the beginning of their journey, they did not fully understand what a ‘day at the courthouse’ would entail, never mind having an accurate understanding of the administrative procedures they would be
PAIN POINT: THE COURTHOUSE

navigating. They described arriving at the courthouse feeling like they could accomplish their task and move on with their day; they even employed strategies to help them do so. Many of the users showed up early, believing that this would allow them to be seen early (i.e. “trying to beat the line”), only to discover that everyone else had the same idea. In other instances, people came later in the day hoping to arrive 30 or 45 minutes before closing (among other reasons to avoid taking a whole day off work), only to discover that many service providers stop seeing users an hour or so before the close of the courthouse.

For survivors of domestic violence, a single visit to the courthouse can be full of strife. First, courthouses are not the safest place for these users; it is very easy for the abuser to find the victim. Second, violence can escalate when the user then files an application and sends notice – increasing the stress level of those filing the forms. Also, the dates for court appearances are demanding. Women are often forced to take time off work and find childcare to meet the dates. Having to take time off work is, of course, not an issue specific to one gender or one user group, but it was raised as a critical issue during engagements with domestic violence survivors as this issue was compounded by their circumstances. One positive service identified by domestic violence survivors was Family Court Support Workers, who provide support and information to this user group as they navigate the family court process.

Most users expected to arrive at the courthouse to either get things settled or to find someone that could help them to accomplish their task. Perhaps most importantly, they arrived at the courthouse expecting to be able to leave having done what they came to do. Unfortunately, this was rarely the case. As described in the next sections, users quickly realized they were in for a long wait and would have very few results to show for their efforts.

The challenge of managing expectations was also reflected in the court staff experience. Court staff describe having to provide users with a ‘roadmap’ of the overarching legal process and, more specifically, the administrative processes the users will need to navigate.

While frustrated by receiving this information after a long wait and a difficult day, users did indicate that having the court staff provide this roadmap helped them readjust their expectations. Users reported that it helped them to manage their stress levels because they could at least anticipate multiple starts and stops, long waits and multiple courthouse visits.

Court staff and advice lawyers⁴ offered that users who had already begun a case, and thus had been required to attend a Mandatory Information Program (MIPs), seemed to have been well served in so far as users appeared to have acquired a better understanding of the family justice process. Court staff and advice lawyers suggested that the MIPs help users gain a better understanding of their legal rights and the legal process, while also providing a greater understanding of alternative dispute resolution options.

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⁴ For the purposes of this report, “advice lawyer” refers to the legal professional that gives advice on how to start or respond to legal proceedings for matters that are not before the court on the day that a litigant is talking to the individual. “Duty counsel,” on the other hand, are lawyers that deal with matters that are scheduled to be in court that day.
• Users need more clear, accurate and early information. Which courthouse users need to visit, how to get there (by car and/or transit), where the services they need are located in the building, and what to expect once they arrive (i.e. security, etc.) are examples of important pieces of information that could help reduce stress if known ahead of time.

• Given the often volatile and dangerous nature of domestic violence, specific users would benefit from solutions that add an extra layer of privacy to the beginning stages of their journey - particularly when they are attempting to find legal services that they can access. For example, those experiencing domestic violence (particularly in non-urban/rural settings) can find themselves having to conduct their outreach in secrecy due to safety concerns.

• Users should be provided with a better understanding of how long they can expect to be at the courthouse, typical wait times or busy periods at FLICs and court services should be communicated. Benefits could also be realized by examining opportunities to allow users to show up at a pre-appointed time.

• Users need early access to a ‘road map’ that allows them to gain an understanding of the overall process they are entering and the administrative steps they will have to take. They need to be able to ‘zoom in’ and ‘zoom out’ of this map so that they can see the big picture, but then focus in on the information they need to complete their current task.

• At one courthouse in Toronto, there is an Aboriginal Family Court Worker who helps to orient Indigenous users and assist with their document assembly and application completion. They were referred to as useful source of support, especially at the beginning of a family law process (including obtaining independent legal advice for users). Many users, not just Indigenous users, would benefit from having more access to this type of coordination services early in the process.
PAIN POINT: WAITING TO RUN THE ADVICE MAZE

“I just kept getting sent around different places and I keep getting told different information and then when I go, it’s like, I don’t, I don’t know, I don’t know.”

— Family Justice User

“They’ve waited however long they’ve waited to speak to somebody and then when they actually speak to someone, the person tells them you either don’t have it correct or you need to go here and get it done. So, it just builds up frustration.”

— Court Staff

“If I don’t get to be seen today, I’m going to sleep here.”

— Family Justice User

“Sometimes the wait could be two hours or more. The reason for that is that sometimes there are people who come that have emergency issues, so those go on the top of the list...Sometimes we can have five or more emergencies on the same day, and then that makes the wait so much longer.”

— Court Staff
“You don’t know where to go, people don’t give you the right information, sometimes you make mistakes.”

— Family Justice User

“I see massive misinformation and massive black holes and gaps about how the system works. It seems that people who are in crisis, who are under pressure often are signing legal documents, signing the rights away to their children without ever getting legal advice.”

— Frontline Service Provider

“I came in here yesterday and I was immediately sent upstairs to get advice from a lawyer, which was really nice, and he was actually super understanding, he gave me all the information I needed, taught me how to fill out the paperwork, and then, told me to come here today and actually get help from the students, which is amazing.”

— Family Justice User
“I could have been home looking after my baby… I have to leave her and come and sit here, so that’s… difficult.”

– Family Justice User

“I was in the throes of drug addiction and alcoholism, and didn’t have the required fees to get legal help. And because of the situation … I don’t know exactly why, because I did have an actual job at the time, I didn’t fall under the parameters of Legal Aid, so I ended up representing myself. And because I was in the throes of a mental illness, which is what addiction is classified as, I represented myself and made a lot of probably not good decisions for myself.”

– Family Justice User
While not every person’s visit to the courthouse is identical, for the most part, once users end up at the correct courthouse, they tend, like ping-pong balls, to move to and from various sources of help and support within the courthouse. Getting assistance becomes what is commonly referred to as an “advice maze”. For example, users may first stop at the FLIC, then be sent to see the advice lawyer. They might then go back to FLIC for more clarification, and then go to get help filling out their forms from a law student situated in the courthouse.

At each service point, users experience ‘lag time’ – i.e. long line-ups or waits for services. In many cases, even after waiting to speak with someone, users are unable to get their questions answered and after a long wait in line they are sent elsewhere. This misdirection may be because they have lined up to speak to the ‘wrong’ person, they have missed a required step in the process and need to go back to see someone else, they do not have the required documentation (even though they think they do), or the person they have just lined up to see is not authorized to answer the user’s questions (i.e. because the answers would be considered legal advice).

A good example of this last point is the Information Referral Coordinators (“IRCs”), who are stationed in many courthouses at the FLIC desks. IRCs provide resource referrals and directions. While users did find the IRCs helpful in many respects, they were often confused about why these IRCs could not take a more active role in helping them with their paperwork. For most users, it is difficult to understand the distinction between legal advice and legal information. People simply want help to get things done.

Once users do feel that they have received enough information to proceed to the counter to file their forms, the waiting begins again, making the experience feel like a “never-ending visit” (discussed in more detail below).

An additional consequence of this advice maze is that users end up at the courthouse multiple times, or speak with multiple people on a single visit. Because of the multiple contact points, they end up getting various types of information depending on who they consult. Users who consult advice lawyers get various types of information based on which lawyer they get. This becomes particularly confusing for users when they see different advice lawyers during different visits. In addition, different service providers (both within the courthouse and outside – i.e. private services) provided different referrals for the same issues, and offered different opinions about which sources were the best to consult. The result was that, in some cases, users felt they were given
false hope – i.e. when they were given information that turned out not to be accurate or relevant, or alternatively, when they keep hearing different messages, they became disillusioned and wanted to give up. The directions they receive – from various actors in the service process – are neither streamlined nor consistent.

Even though they may only be trying to accomplish a single task, most users’ journeys will not end with a single visit to the courthouse. Court staff spoke about the term ‘frequent fliers’. That is, even at this early stage of filing forms, individuals will rarely visit a courthouse once. Perhaps not surprisingly, users consistently described the negative impact of frequent courthouse visits on work, family and personal commitments.
• Users need to know, before their visit, the types of service providers available in the courthouse (this information should be courthouse-specific) and what the providers’ roles are. Not only should it be clear what service providers can do, what each service provider cannot do should be explicit. There must be greater transparency about the distinction between legal information and legal advice. For example, knowing ahead of time that FLIC staff cannot answer legal questions or that advice lawyers can only provide 15 minutes of their time may help temper expectations and help users avoid standing in line-ups for services that will not be useful for them. All this information should be available prior to the user’s visit, but should also be advertised more effectively once people enter the courthouse.

• Survivors of domestic violence and abuse victims require that everyone helping them is trauma- and risk-informed. Better and more extensive training in areas related to mental health, trauma, managing difficult conversations would be welcome for these users as well as others with mental health needs.

• Users need a way to find out, prior to their visit, which services they qualify for (e.g. Legal Aid, duty counsel, law student assistance, advice lawyer, etc.).
• Users need more early access to information about different dispute resolution options and pathways and other avenues for obtaining assistance beyond the courthouse (e.g. the number of the Lawyer Referral Service). As discussed, users often end up at the courthouse first, without having explored other options. This is not because they do not want to do that research, but, rather, because people ‘don’t know what they don’t know’. Even when users know that it may be helpful to explore different dispute resolution options, understanding which of these might be appropriate for their specific situation is difficult to discern. Even knowing how to find a lawyer (if you can afford one) is challenging. Better and more tailored assistance in this area may save some people a ‘never-ending visit’.

• Users must be able to get more accomplished outside of the courthouse and outside of business hours. Long wait times to try to access relatively basic information means that users are taking days off work, trying to arrange child care, and re-organizing their schedules to wait at the courthouse for limited services. Being able to access some services through technology would likely be welcomed.
“Of course, it’s horrible being here. I don’t even like coming here to pick up forms. It’s a really crappy feeling being here.”

— Family Justice User

“This whole process, with the paperwork is extremely intimidating and confusing. It shouldn’t be put in such terms where a normal person can’t understand it... I’m not the smartest man but I don’t understand what that means. I just don’t understand it, like I get what it says. I understand what it says but what do I put, like I don't know in the court’s eyes.”

— Family Justice User

“It’s very hard to tell people, “I’m sorry, I can’t tell you what form”. You need a form. What form? I can’t tell you which one. I don’t know what your situation is. I don’t know, do you need a 14B or 14C? And I can’t tell you. I think, staff, we do cross that line sometimes and say go to the one on the left. I’m not telling you which form you need, but pick the one on the left.”

— Court Staff
“There are too many forms. It’s not in a plain language that most people can understand. There’s a lot of legal jargon and terms that people do not understand.”

— Court Staff

“There are a lot [of users] that come in that have disabilities…they’re not able to read the forms or understand the forms.”

— Court Staff

“For this case, I spoke to a lawyer for an hour and I paid just under $600.00. That got me absolutely … it just helped me prepare to make sure what I had written for my Notice of Contempt, that I was covering everything I needed, structured and worded appropriately and respectfully to the judge, so that even though I was so nervous, I was still being respectful and wasn’t rambling on, he said, she said, just down to the point. And I came in and it was like she didn’t even look at any of my stuff.”

— Family Justice User
“I’m doing the legwork as best to my abilities, and I still don't know if I’m going to do things the way the court wants them done.”

– Family Justice User

“If English wasn’t your first language, and you had to do this on your own, it might be difficult to fill out the form, even if you had someone to explain the legal terms. Because not everything translates properly because you may not have a word for… it… in your language. Or a situation, or court proceedings in your culture, in that way.”

– Court Staff
Once family justice users find the right information, get to the right courthouse, and access the appropriate resources and supports, they are now faced with filling out and filing their forms. Of all the pain points identified during the engagements, none was more frequently discussed than the confusion over finding and filling out the correct court forms. This sentiment was true across all stakeholders – users, court staff, frontline service providers, legal professionals and judges.

Users spoke in no uncertain terms about the difficult language and confusing design of the forms. The confusion is exacerbated when a user requires translation or when English or French is not their first language. Most users had profound self-awareness of their level of comprehension, knowing full well that they were not experts in the legal field and were simply striving to complete the task at hand. Moreover, even users with a significant amount of education have difficulty with the forms.

For users that do not speak one of the official languages as their preferred language – including many Indigenous users - there is a need for better explanation and support when filling out forms. Given that the forms are entirely text-based and written in English and French – support for those with limited capacity in English and French is important.

The user frustration that results from misunderstanding the distinction between legal information and legal advice manifests even more prominently during this stage of the user journey. Because of the complexity of the forms, most users had questions about how to fill them out. Users made the logical assumption that the person behind the counter could answer their questions. However, very often that was not possible since the information they were looking for crossed over to ‘legal advice.’ Towing the line between legal information and legal advice is a difficulty that many, if not all, of the court staff raised in some way. Most wanted to help the users in front of them and were sympathetic to their frustration but could simply not assist in the way expected or needed.
Understanding what must be completed on a form is one problem, but there was further confusion expressed by users in terms of what answers the court, as a system, is looking for in the forms. Because forms are often presented as administrative documents, it can be difficult for users to grasp that some sections (e.g. “Important Facts”) require a fulsome discussion of the grounds for the user’s case. They are not simply another box to complete and check off to get the process started.

Users often do not understand the legal implications of the information they are inserting in their forms. Since there is nothing to indicate on the forms that these sections make up the backbone of a case, users are not clear on what should be included. In fact, some users only write two sentences in the space allotted for important facts, and many who fill out the forms by hand do not realize they can attach another page if they fill the small space that is allotted on the form. The legal relevance and ramifications of the information they are (or are not) providing needs to be made clear.

Users want to feel empowered. They want to feel competent and able to carry out the simple tasks associated with their matters. At present, users leave feeling inadequate and worried about whether they did things “right.”
• Users need access to computers and multi-functional devices to help them access information and complete court forms while at the courthouse. Placement of such technology in FLICs or other public access areas may increase convenience for users.

• Users need access to clear, straightforward instructions about how to fill out forms. This information should include instructions that tell the user why information is requested and why it is important.

• Users require help ‘telling their stories’. To support them, access to online templates, examples, and plain language ‘helpful hints’ should be accessible. The chance to have these narratives reviewed early in the process would also be a way to minimize the time and effort wasted and to increase a feeling of empowerment and competence.

• Users would benefit from a mechanism to have forms reviewed and filed without visiting the courthouse.

• Users could use post-filing checklists to give them a picture of the journey ahead - the next steps and deadlines in the process.
WHERE DO WE GO FROM HERE?

If the feedback that was gathered could be summarized by one phrase, it would be “a chasm between expectations and reality.” Whether it is the court forms, the wait times, the lack of answers or the inconsistent information received, what is really occurring is a profound difference in what service users expect from the family justice system and what is currently being provided.

The engagements showed that this part of the process (from the initial information gathering to finally filing the family law forms) is particularly challenging and fraught with roadblocks. There is, however, a great opportunity here. Many of the key learnings and areas for opportunity identified in this report provide starting points for the investigation of how technology might meet the needs highlighted here. For example, user-focused technologies that could help users triage their specific situation (rather than simply provide generalized information) early on in the process may eliminate certain pain points and ease struggles further on.

Finding ways to allow people to access more court services from home or a location of the user’s choosing would address many of the frustrations borne out of the long wait for services and the need to conduct their legal business during traditional business hours at great personal cost. Automated programs that can help users complete forms – correctly – the first time would save users and the system time, money and energy, as would resources that help users “tell their story” on their forms in a legally persuasive way.

Technology can be many things: it can be “innovative” (i.e., it can completely reinvent a way a service is delivered), or it can be “sustaining” (i.e. it can offer slight improvements and new technologies that build on already good programs and services). Not all measures implemented necessarily must be costly or complicated, and it is important to realize that not all needs can be met with technology.

That said, technology can improve justice if it is developed and implemented in a way that truly addresses user needs. The user-focused findings contained in this report offer a roadmap for the development of family justice technologies that place user experience and need at the centre of the technology-development conversation. If the technologies imagined by MAG and other partners remain focused on the principles of human-centered design, then technology is poised to alleviate a host of burdens that family justice users encounter when trying to access services. By addressing the areas of opportunity outlined through our report, the entire process can be improved for users and for Ontario’s family justice system as whole.